

1 THE HONORABLE RICARDO S. MARTINEZ  
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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

8 SPEARMAN CORPORATION  
9 MARYSVILLE DIVISION and SPEARMAN  
CORPORATION KENT DIVISION,

10 Plaintiffs,

11 v.

12 THE BOEING COMPANY,

13 Defendant.

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14 THE BOEING COMPANY,

15 Counterclaim and Third-  
16 Party Plaintiff,

17 v.

18 SPEARMAN CORPORATION and  
19 SPEARMAN CORPORATION KENT  
DIVISION,

20 Counterclaim Defendant

21 ALEXANDER SPEARMAN, an individual,

22 Third-Party Defendant.

11 No. 2:20-cv-00013 RSM

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**STIPULATED MOTION AND  
ORDER TO CONTINUE TRIAL  
DATE AND CASE SCHEDULE**

13

**Note on Motion Calendar:  
July 16, 2021**

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**I. STIPULATED MOTION**

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STIPULATED MOTION AND ORDER TO CONTINUE TRIAL  
DATE AND CASE SCHEDULE – 1

2:20-cv-00013 RSM

**Mix Sanders Thompson, PLLC**  
1420 Fifth Avenue, Suite 2200  
Seattle, WA 98101  
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1       The parties enter into this Stipulation in accordance with Local Rule 16(b)(6), which  
2 provides that a request to continue the trial date must be made in writing to the Court and  
3 supported by good cause. The parties jointly contend there is good cause to continue the trial date  
4 from January 24, 2022 to May 16, 2022 and extend the case schedule accordingly for the  
5 following reasons:

- 6       1. On December 23, 2019, Spearman Corporation filed suit against The Boeing Company in  
7           King County Superior Court under Cause No. 19-2-33820-2 KNT. On January 3, 2020,  
8           Boeing filed its Notice of Removal to U.S District Court in the Western District of  
9           Washington.
- 10      2. On February 4, 2020, Boeing filed a Motion for Partial Dismissal and on May 14, 2020,  
11           Spearman Corporation filed its First Amended Complaint, which resulted in a new round  
12           of briefing in connection with Boeing's Partial Motion to Dismiss. The Court's Order  
13           Granting Defendants' Partial Motion to Dismiss CPA Claim was filed on January 14, 2021.
- 14      3. Boeing filed its Answer to First Amended Complaint, Affirmative Defenses, Counterclaim  
15           and Third Party Complaint on January 28, 2021 along with a Motion for Relief from  
16           Deadline to Add Parties *See Doc No. 64*. On March 30, this Court granted Boeing's motion.  
17           *See Doc No. 88*.
- 18      4. On March 22, 2021, Mix Sanders Thompson PLLC filed a notice of appearance to defend  
19           Spearman Corporation, Spearman Corporation Kent Division, and Alex Spearman against  
20           Boeing's counter and third-party claims. *See Doc No. 85*. Since appearing in this case,  
21           counsel from Mix Sanders Thompson has advised Boeing that it has spent substantial time  
22           reviewing thousands of documents within the database in efforts to respond to Boeing's  
23           requests for production, and it continues to do so, but significant document discovery  
24           remains outstanding.

1 5. On July 6, 2021, attorneys Nicholas Larson and Alexandrea Tomp with Murphy Pearson  
2 Bradley and Feeney, filed a notice of appearance to defend Spearman Corporation,  
3 Spearman Corporation Kent Division and Alex Spearman against Boeing's counter and  
4 third-party claims. *See Doc No. 98.* Mr. Larson and Ms. Tomp have advised Boeing that  
5 they will be lead counterclaim and third-party defense counsel for Spearman Corporation,  
6 Spearman Corporation Kent Division and Alex Spearman at trial. Lane Powell has advised  
7 Boeing that it will remain lead Plaintiffs' counsel. (Boeing reserves any issues relating to  
8 the identification of two "lead" counsel for the same parties.)

9 6. The parties' have recently commenced depositions in this case and are in the process of  
10 scheduling other depositions.

11 7. The parties jointly contend there is significant discovery remaining, including written  
12 discovery, additional depositions, and expert discovery. Furthermore, because of the  
13 current status of discovery, the parties require additional time in order to prepare for and  
14 have the opportunity to engage in alternate dispute resolution, let alone trial.

15 8. Due to the volume of documents involved in this case, Mr. Larson and Ms. Tomp's recent  
16 notice of appearance, pending discovery requests and the overall status of discovery,  
17 including expert discovery and the upcoming deadlines for producing expert witness  
18 reports, in addition to the reasons set forth above, there is good cause to continue the trial  
19 date to May 16, 2022. Further, the parties jointly request that the following deadlines set  
20 forth in the Court's March 11, 2021 Order (Doc No. 84) extending the trial date and related  
21 dates be extended as follows:

Event	Current Deadline	New Proposed Deadline
Primary Experts Identified (names and CVs only)	July 26, 2021	July 26, 2021

1	Disclosure for expert testimony under FRCP 26(a)(2)	July 26, 2021	November 29, 2021
2	Mediation if requested by the parties	December 10, 2021	December 10, 2021
3	Deadline for filing motions related to discovery	September 2, 2021	January 6, 2022
4	Discovery Completed	September 28, 2021	January 28, 2022
5	All dispositive motions filed by and noted for 4 <sup>th</sup> Friday thereafter	October 28, 2021	February 25, 2022
6	Trial Commences	January 24, 2022	May 16, 2022
7	All motions in limine must be filed	4 weeks prior to trial	4 weeks prior to trial
8	Agreed pretrial order due	2 weeks prior to trial	2 weeks prior to trial
9	Trial briefs, proposed voir dire, jury instructions, neutral statement of the case, and trial exhibits due	5 weeks prior to trial	5 days prior to trial
10			

STIPULATED MOTION AND ORDER TO CONTINUE TRIAL  
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18 Spearman Corporation, Spearman

19 Corporation Kent Division and

20 Third-Party Defendant Alex Spearman

21 STIPULATED MOTION AND ORDER TO CONTINUE TRIAL  
22 DATE AND CASE SCHEDULE – 6

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## ORDER

Based on the above Stipulated Motion, the Court does here by ORDER:

1. The Stipulated Motion is granted;
2. Trial is continued to begin on May 16, 2022, and all pretrial dates are continued as reflected in the above Stipulated Motion.

DATED this 16<sup>th</sup> day of July, 2021.

  
RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE

## **CERTIFICATE OF SERVICE**

I, Kelly Lee certify that on July 16, 2021 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System and caused to be served a true and correct copy via the method indicated below and addressed to the following:

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Corporation and Spearman Corporation  
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**STIPULATED MOTION AND ORDER TO CONTINUE TRIAL  
DATE AND CASE SCHEDULE - 7**

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7                   *Corporation Kent Division and Third-Party*  
8                   *Defendant Alex Spearman*  
9                   Nicholas C. Larson  
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17                  I certify under penalty of perjury under the laws of the state of Washington that the foregoing  
18                  is true and correct.

19                  s/Kelly Lee  
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